

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, September 21, 2006, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Mehrdad "Mike" Fayyaz, Assistant City Engineer, Acting Chairman
Bob Dunckel, Assistant City Attorney III
James Cromar, Planner III
Tony Irvine, City Surveyor
Tom Terrell, Public Works Maintenance Manager
Mark Darmanin, Utilities Distribution and Collections Manager, (substituting for Julie Leonard)
Catherine McCaffrey, Community Inspections Manager
Carol Ingold Mordas, Parks Supervisor

Staff Present:

Victor Volpi, Senior Real Estate Officer
Ed Udvardy, Assistant Public Works Director
Eileen Furedi, Clerk II
Diana Alarcon, Assistant Parking Services Manager
Luis Coons, Engineering Inspections Supervisor
Louis Lafaurie, Project Engineer
Tim Edkin, Information Technology Services Director

Guests Present:

Tony Digiorgio
Suzanne Danielsen
Donato Gorgoglione
Ronald Mastriana
Paige Presnell
John Schleboel
Ron Kern
Lori Franke
Jim Ellis
Christopher Sinclair
John Nigro
Joe Darnaby

Mehrdad "Mike" Fayyaz called the meeting at 10:10 a.m. and stated that this is a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public right-of-way.

ITEM ONE: **APPROVAL OF AUGUST 17, 2006 MINUTES**

MOTION BY MARK DARMANIN TO APPROVE THE MINUTES. SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

ITEM TWO: **APPROVAL OF AUGUST 24, 2006 MINUTES (SPECIAL MEETING)**

MOTION BY MARK DARMANIN TO APPROVE THE MINUTES. SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: **REQUEST TO ACCESS PUBLIC RIGHT-OF-WAY**

Address or General Location: no specific address

Victor Volpi introduced item stating that NextG Networks, Inc., offers wireless operators a solution to any coverage problems within their network that do not require the construction of traditional macro sites, such as towers, monopoles, or rooftop installation by using optical fiber to connect a distributed antenna system attached to existing infrastructure, namely streetlights and utility poles in the right-of-way. He said NextG Networks, Inc., would like your positive recommendation to use public right-of-way for this purpose. Victor Volpi said Christopher Sinclair, Director of Network Real Estate for the Eastern Region, would like the opportunity to present his request to the Property and Right-of-Way (PROW) Committee. He pointed out that this item was deferred at the June 15, 2006 meeting, due to the applicant not being present. Victor Volpi introduced Mr. Christopher Sinclair.

Bob Dunckel said the agenda item was not written up entirely accurate given Chapter 25, Right-of-Way Administration and State Law and the PROW would be an advisory to the City Engineer. Bob Dunckel said the process would include acceptance of the applicant's application for registration, after which the applicant would apply for permits from the various communications utility facilities. Bob Dunckel said the proposed request is entirely different from what this Committee is accustomed to seeing and state law specifically precludes the City Attorney from using a revocable license with this type of activity. Bob Dunckel said after the applicant explained the proposed plan the Committee would make a recommendation to the City Attorney.

Tom Terrell asked about the possibility of NextG becoming a franchise. Bob Dunckel said in 2000 the legislature passed a telecommunication tax simplification law trying to put all communication providers on an even keel, which would specifically preclude municipalities from entering into franchise agreements with the communications service providers. He said the gas company and Florida Power and Light (FPL) are not covered by that law.

Mr. Sinclair said NextG Networks, Inc., offers innovated solutions to their clientele for (primarily) the cellular operators to improve coverage and/or capacity within their interstate networks. He said the essence of the facility is two fold: 1) small microcellular antennas attached primarily to existing info-structure, primarily in the public right-of-way; hence, the need for formal approval and/or registration attached to existing info-structure namely street lights and/or utility poles, 2) fiber optic cable, which backhauls all the traffic to the carriers near the base station. Mr. Sinclair said NextG has received

operator interest to improve their networks within the City limits. Mr. Sinclair said a dropped call would be lack of coverage and an error message (on the handset) stating the network was busy would be lack of capacity.

Mike Fayyaz asked if the antennas could go elsewhere other than the existing poles. Mr. Sinclair said they could be placed anywhere, but the primary deployment mean is to attach to existing infrastructure. Mr. Sinclair said there is an agreement with FPL and Bellsouth in the event a suitable pole was not available, which would be consistent with the pole line. Tony Irvine pointed out where above ground utilities did not exist, there may be some resistance to the idea of a new pole. Tony Irvine asked about the size of the antennas. Mr. Sinclair said the size varied and would be determined by the objective (directional coverage, size of the area, etc.).

Discussion followed as to how the antennas would receive power, if the panels or boxes would be installed in the right-of-way, and if the antennas would need clear zone from trees.

Mr. Sinclair said an equipment box would be mounted on the pole along with the antenna and if attachment to the pole were not possible, they would propose to attach to an equipment box on the sidewalk, which is very small and attaches to the pole. Mr. Sinclair said they would propose to attach an antenna to a pole that was in a tree.

MOTION BY TONY IRVINE THAT THE COMMITTEE RECOMMEND THE ACCEPTANCE OF THE APPLICATION REGISTRATION.

Discussion followed as to how the fiber would be connected.

Tim Edkin asked the applicant if they have surveyed the City and/or discussed the proposed activities with other cell phone companies to see what they had. Mr. Sinclair said other carriers have expressed an interest, but there are coverage incapacities and deficiencies. Mr. Sinclair said after the approval process (registration acceptance), they would go back to the sales channel and proceed forward.

Mr. Sinclair said the communication service provided was a RF transport service.

MOTION SECONDED BY BOB DUNCKEL.

Discussion followed as the applicant meeting the criteria included in Code Section-25-99, Registrations of Facilities, subsection c with 8 sections following under subsection c, found in Article III, entitled "Rights-Of-Way Administration" within Chapter 25 of the City's Code of Ordinances.

Mark Darmanin summarized the discussion stating that the Committee would not be accepting the applicant's registration; they would be recommending that he be allowed to register and be subject to all registration rules.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: **TEMPORARY USE OF DOCK SPACE UNDER SE 17TH STREET CAUSEWAY BRIDGE**

Address or General Location: dockage under the SE 17 Street Causeway Bridge

Victor Volpi introduced item stating that Mr. John Nigro of Show Management, would like your positive recommendation to construct temporary dockage under the SE 17 Street Causeway Bridge for use during the boat show, for shuttle service. He said this is beyond (and has nothing to do with) the Water Taxi and will be a temporary floating dock as described in his letter. Victor Volpi introduced Mr. John Nigro.

Bob Dunckel said the item was pulled, as the applicant decided to use an alternate location.

ITEM FIVE: **VACATION OF EASEMENT**

Address or General Location: 2170 SE 17 Street

Victor Volpi introduced item stating that 17th Street Marina Investment, LLC, would like your positive recommendation to vacate the water line easement. Victor Volpi introduced Mr. Ronald Mastriana.

Mark Darmanin said there was an existing waterline around the Harbor Heights Shopping Center and there were questions as to whether the easement was continuous or not. He said the waterline is in need of repair, there is a designed project through WaterWorks 2011 and an attempt to gain easement, if needed. Mark Darmanin said after the design started, the Utilities Division found there was a developer that wanted to redevelop the entire area of Harbor Heights, all the utilities at the site could be private, the City could master meter from an outside location and sewer could be collected from that point from two (2) separate locations. Mark Darmanin said he believed WaterWorks 2011 and the Utilities Department would ask for a positive recommendation.

Mr. Mastriana said the proposed project was a combination of marina, offices, storage of boats, hotel, and retail, they have been before the DRC and plan to go before P&Z in approximately 60 days. Mr. Mastriana said construction has started, it has been determined that all easements on the proposed property were private, except for one that is on City property and it appears the waterline is under the building. Tony Irvine said he surveyed the waterline for WaterWorks 2011, the waterline is not totally within the easement, there are numerous issues and he is in support of the vacation.

Mr. Mastriana said he has given notice to all the tenants on the property to vacate on or before December 15, 2006, and the applicant plans to demo the entire property by the January 1, 2007.

MOTION BY MARK DARMANIN THAT THE COMMITTEE RECOMMEND VACATION OF THE EASEMENT AFTER ALL TENANTS HAVE BEEN LEGALLY REMOVED FROM THE PROPERTY, AND AGREEMENTS HAVE BEEN MADE THAT THE CITY WOULD ABANDON THAT PORTION OF WATER MAIN AND/OR SEWER THAT IS AT THE PROPERTY LINE BEFORE THE EASEMENT IS VACATED. SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

ITEM SIX: **MOT PLAN / TEMPORARY CLOSING OF RIGHT-OF-WAY**

Address or General Location: 551 N Fort Lauderdale Beach Boulevard

Victor Volpi introduced item stating that SB Hotel Associates, LLC, would like your positive recommendation to close portions of A 1 A, Terramar Street, Windamar Street and Breakers Avenue. He said this item was discussed at the April 20, 2006 PROW meeting, wherein some closures were recommended and SB Hotel Associates, LLC, now has a more extensive and complete plan for the temporary closing of those streets, sidewalks, and parking areas. Victor Volpi introduced Mr. Ronald Mastriana and Joe Darnaby, with the Stiles Corporation.

Mr. Mastriana said Kimley-Horn and Associates, Inc., have researched and reviewed the temporary road closures associated with the construction of development projects located within close proximity, which has verified very little activity on the streets in question and would not interfere with the traffic in the vicinity. Mr. Mastriana said there would be a parking analysis study preformed and has agreed to pay for or relocate any parking spaces lost due to the proposed project. Diana Alarcon said the traffic study was done on June 21, 2006, at a low time; and was concerned about the continual loss of parking on the beach due to numerous projects in the area and asked that street closures be limited.

Carol Ingold Mordas said plant material would have to be restored to their existing size and irrigation systems would have to be repaired.

Bob Dunckel said the standard revocable license agreement utilized had a paragraph that addressed all reference consequences, but someone would have to police and enforce those issues, and a component would be included in the agreement that would compensate for the loss of spaces.

Discussion followed as to the road closures, informing the neighborhood residents of the plan, the hiring of a police officer during peak periods to help direct traffic, how deliveries would be received and that the project would not affect the existing landscaping.

Bob Dunckel said the revocable license agreement would be structured in a manner that the peak periods would be a factor determined by the contract administrator. Bob Dunckel said the applicant should work with the civic association as to the proposed plan.

Mark Darmanin said there are utilities buried in the street closure and the City would require access. Tony Irvine said he wanted to make it clear that the street closures should not be used as a staging area.

MOTION BY BOB DUNCKEL TO RECOMMEND A REVOCABLE LICENSE WITH THE MOT APPROVED BY TIM WELCH IN THE ENGINEERING DIVISION. MOTION SECONDED BY MARK DARMANIN.

MOTION PASSED UNANIMOUSLY.

ITEM SEVEN: **TRANSFER OF LEASE / CITY PARK MALL**

Address or General Location: 108 SE 1 Street (City Park Mall)

Victor Volpi introduced item stating that Bella Pizza, LLC, would like your positive recommendation to transfer their lease of shop # 108 at the City Park Mall to Bar. Don Development, Inc. Victor Volpi introduced Mr. Donato Gorgoglione.

Discussion followed as to the equipment remaining at the shop.

Bob Dunckel said the City would supply a form regarding assignment of lease/assumption of lease and landlords consent. Bob Dunckel said he would need to know who to coordinate this with.

MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF THE PROPOSED REQUEST TO TRANSFER THE LEASE. SECONDED BY MARK DARMANIN.

MOTION PASSED UNANIMOUSLY.

Discussion followed as to the hours of operation being from 11 a.m. - 4:00 p.m.

ITEM EIGHT: **IMPROVEMENTS TO CITY OWNED PROPERTY**

Address or General Location: Vista Park , east of Atlantic Boulevard

Victor Volpi introduced item stating that Hal Barnes and Louis Lafaurie, along with the homeowners of Lauderdale Beach Subdivision, would like your positive recommendation to reconfigure the parking lot in Vista Park. He said this item was discussed at the February 17, 2005 PROW meeting. Victor Volpi introduced Louis Lafaurie.

Louis Lafaurie said the park was 65% parking lot and 25% park, the homeowners association would like to reverse the configuration, the number of parking spaces would remain the same, the green area would be increased by approximately 48%, and believed that the Parking Division was in favor of the proposed concept.

Mr. Kern, area resident, said he used the park often, along with tourists and sporting enthusiasts, the park's current configuration served the residents well, changing the configuration would create traffic issues as the driveway would be eliminated, and was opposed to the plan.

Diana Alarcon said the Parking Division is not against the plan, but due to the 90-degree parking, the radius had to be 24-feet (not 15-feet) which would force back the green space. Diana Alarcon said the design would allow the Parking Division additional time for park improvements and the design would not affect parking.

Mr. Brown, area resident, said he has been using the park for approximately 30 years, access to the park is important to unload vehicles, feels parking could be laid out more efficiently. Mr. Brown stated prior to hurricane Andrew, the park had approximately 60% canopy coverage from the trees which were then replaced by Palm trees, and would like the park to have as much canopy as the City could provide.

Louis Coons, City employee, said he is an avid wind surfer. He has used the park for approximately 25 years and is concerned about access ability to enter the park and getting equipment out of the vehicles.

Tony Irvine said he would like to see a drawing of what currently exists and what is being proposed, and asked if there were any ADA issues with the parking lot as it currently exists. Louis Lafaurie said no. Tony Irvine asked where pedestrians would have access for surfboards. Louis Lafaurie said the design was conceptual and they would incorporate enough distance for large vehicles to unload their gear. Louis Lafaurie said the picture did not show the sidewalks.

Discussion followed as to requiring ADA access once the work started.

Lori Franke, area resident, said she was in support of the improvements.

Discussion followed as to the lighting in the circle and the Turtle Ordinance, accessing the park through a gate, enlarging the green space, losing a great deal of pervious area when the radius was corrected, and the various issues due to the 90 degree and diagonal parking.

Louis Lafaurie said all the opposing issues would be addressed; six (6) concepts were prepared, which included considerations for ADA, traffic, access, and pedestrian issues. He said the Neighborhood Association approved the proposed concept.

MOTION BY TONY IRVINE THAT THE COMMITTEE RECOMMEND DEFERRING THE APPLICATION UNTIL THE APPLICANT CAME BACK WITH THE GEOMETRY SHOWING THE ACTUAL SIZE OF THE PROJECT, ADDRESSING ANY AND ALL ADA ISSUES (AT LEAST CONCEPTUALLY) THAT ARE GOING TO ARISE IN THE PARKING LOT FOR ADA CRITERIA, AND ADDRESSING GENERAL PEDESTRIAL ACCESS APART FROM ADA, AND COMING BACK WITH ACCURATE PERVIOUS TO IMPERVIOUS CALCULATIONS TO SHOW THERE WOULD BE A BIG DIFFERENCE ON THE PERVIOUS TO IMPERVIOUS RATIO, AND THAT THE TRAFFIC CONGESTION ISSUES ARE ADDRESSED AS FAR AS STAFFING FOR PARKING. SECONDED BY BOB DUNCKEL.

Bob Dunclel said the current configuration may not be ADA compliant, but as soon as it was converted it would have to be ADA compliant. Bob Dunckel said he was concerned about the current configuration, which seemed to have a sidewalk area in the front of the parking spaces.

Discussion followed as the park hours of operation being 8 am-8 pm, City staff closing the gate manually, installation of a new gate, allowing residents to utilize the park after hours, and the Parking Division being in support of the proposed design, as that would allow improvements to take place.

MOTION PASSED UNANIMOUSLY.

ITEM NINE: VACATION OF EASEMENT

Address or General Location: State Road 7 (441), just north of Peters Road

Victor Volpi introduced item stating that Paige Presnell of Plantation 441 Ltd., would like your positive recommendation to vacate a 10-foot utility easement, a 42-foot water main and a utility easement

lying within their property located on State Road 7 (441), just north of Peters Road for the purpose of building townhouses.

James Cromar asked if the property was City owned. Mr. Presnell said no. Victor Volpi said the City has an easement running through the property. Victor Volpi said the City controlled that easement. Bob Dunckel said if the easement was outside the municipal boundary of the City, he did not think the ULDR process for vacations would apply. Bob Dunckel said the City could quit claim the easement.

Discussion followed as to whether the wells were abandon and the idea that the City could be facing new regulations from the South Water Management District as to where the water could be drawn from, and there may be serious conditions as to where the City placed their wells.

Mark Darmanin said there are definite well restrictions and he would like to see further review of other well fields that are further out.

Mike Fayyaz said the proposal required further research and there is a legal question as to whether the City vacate or abandon the wells.

Mark Darmanin said he would be glad to have further discussions with the applicant, but they would have to return to the PROW Committee at a later date.

MOTION BY BOB DUNCKEL TO DEFER. SECONDED BY TOM TERRELL.

Discussion followed as to the possibility of any facilities being in the 10-foot platted easement.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 11:50 a. m.